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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 EUFEMIA GUILLEN,

15 Case No.: 3:20-cv-317-MMD-WGC

16 Plaintiff,

17 vs.

18 B.J.C.R. L.L.C., a Nevada Limited Liability
19 Company; B.J.H.S., LLC., a Nevada Limited
20 Liability Company; R.C.S.J., LLC, a Nevada
21 Limited Liability Company; Dhilan One
22 L.L.C., a Nevada Limited Liability
23 Company; CHAMPAK LAL, an Individual;
24 and BHARAT B. LAL, an Individual,

25 Defendants.

26 **STIPULATION AND ORDER
27 EXTENDING DISCOVERY
28 [Third Request]**

29 Plaintiff Eufemia Guillen (“Plaintiff” or “Guillen”) and Defendants B.J.C.R. L.L.C.,
30 B.J.H.S., LLC., R.C.S.J., LLC, Dhilan One L.L.C., CHAMPAK LAL, and BHARAT B. LAL
31 (collectively “Defendants”), by and through their respective counsel, hereby stipulate and agree that
32 the discovery cut-off and related deadlines in this case be extended. As detailed further herein, the
33 additional time is necessary to review and produce (subject to a mutually agreeable and Court
34 approved protective order) Plaintiff’s immigration records recently received by Plaintiff’s counsel
35 from the U. S. Citizenship and Immigration Services (“USCIS”) as well as obtain Plaintiff’s records
36 from her healthcare providers recently disclosed as witnesses. Additionally, defense counsel is
37 gathering additional information for Plaintiff’s consideration of Defendants’ request for Plaintiff to
38 voluntarily submit to an independent psychological examination pursuant to Federal Rule of Civil

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1 Procedure 35. Finally, the parties are considering a private mediation in the next six-eight
 2 weeks which may resolve the matter prior to incurring expert witness fees. The parties believe an
 3 extension of the discovery period by ninety (90) days to **Thursday, May 5, 2022** will provide
 4 adequate time to complete the remaining discovery.

5 This is the third request for an extension of these deadlines. This request is made in good
 6 faith and is not for the purpose of delay. Pursuant to LR 26-4, the parties provide the following
 7 information to the court in connection with their request for an extension of the discovery
 8 deadlines: **A. Statement of Discovery that has been Completed**

9 The parties have exchanged their initial disclosures of documents and witnesses. To date, the
 10 parties have produced nearly 3,000 documents and identified more than 20 witnesses not including
 11 the individually named parties. On September 1, 2021, Plaintiff disclosed three treating healthcare
 12 providers as witnesses and produced some of those providers' records. In response to
 13 Plaintiff's disclosure, defense counsel requested that Plaintiff stipulate to an independent
 14 psychological examination pursuant to Federal Rule of Civil Procedure Rule 35. The parties are
 15 currently discussing the details and logistics of such an exam in an effort to avoid unnecessary
 16 motion practice and Court involvement. In the meanwhile, the parties are in the process of
 17 obtaining a full set of Plaintiff's records from those health care providers.

18 Plaintiff responded to Defendant's first set of interrogatories and requests for production
 19 of documents. Plaintiff also served supplemental responses to Defendant's interrogatories and
 20 requests for production of documents.

21 On July 12, 2021, Plaintiff's counsel submitted an authorization for the release of Plaintiff's
 22 immigration records from USCIS which were recently produced by USCIS. Plaintiff's counsel is
 23 in the process of reviewing the records received from USCIS and crafting a stipulated protective
 24 order for the Court's approval governing Plaintiff's immigration records and healthcare records.

25 **B. Description of the Discovery that Remains to be Completed**

26 Upon the disclosure of three of Plaintiff's healthcare providers in September, Defendants
 27 have decided to seek a Rule 35 examination of Plaintiff. Defendants are gathering additional
 28 information for Plaintiff's consideration regarding whether to voluntarily submit to such an
 examination in order

1 to avoid motion practice and Court intervention. The parties are also in the process of negotiating
2 the terms of a stipulated protective order regarding Plaintiff's immigration and healthcare records.

3 All parties agree that an extension of the discovery cutoff date is necessary to enable
4 the parties to gather Plaintiff's health care records and proceed with expert discovery. In the
5 meanwhile, the parties are also considering a private mediation in order to fully resolve the case
6 and possibly avoid incurring the expenses of expert discovery. In the event that the parties are
7 unable to resolve the matter through private mediation, the parties intend to set aside a number of
8 consecutive days in March/April in order to conduct in-person depositions of the parties and likely
9 certain other witnesses (including the Plaintiff, Eufemia Guillen, and Defendants, Champak and
10 Bharat Lal) in Elko, Nevada. The parties anticipate they will have to arrange for a court reporter, a
11 translator, and a videographer to travel to Elko, Nevada for these depositions (in addition to
12 counsel traveling from Reno, Nevada and Las Vegas, Nevada).

13 **C. Reasons the Remaining Discovery was not Completed within the Time Limits set by the
14 Discovery Plan**

15 Due to the complexity of the issues presented in this case, the number of witnesses involved,
16 complications brought on by the global COVID-19 pandemic and the need to obtain all relevant
17 records (from USCIS and Plaintiff's treating healthcare providers), the parties have not been able to
18 complete discovery as efficiently as initially planned. However, as described in more detail above,
19 the parties have worked diligently to continue conducting discovery.

20 **D. Proposed Schedule for Completing all Remaining Discovery**

21 1. *Discovery Cut-Off Date:*

22 The parties shall complete discovery on or before **May 5, 2022**.

23 2. *Amending the Pleadings and Adding Parties:*

24 The date for filing motions to amend the pleadings or to add parties has passed.

25 3. *Expert Disclosures:*

26 The last day for disclosures required by FRCP 26(a)(2) concerning experts shall not be later
27 than 60 days before the discovery cut-off date, and, therefore, not later than **March 4, 2022 [March
28 6, 2022 being a Sunday]**.

1 The last day for disclosures regarding rebuttal experts shall be due thirty (30) days after the
2 initial disclosure of experts, on **April 4, 2022 [April 3, 2022 being a Sunday]**.

3 4. *Dispositive Motions:*

4 The Parties shall file dispositive motions not more than thirty (30) days after the discovery
5 cut-off date and, therefore, not later than **June 6, 2022 [June 4, 2022 being a Saturday]**.

6 5. *Pretrial Order:*

7 If no dispositive motions are filed, and unless otherwise ordered by this Court, FRCP 26(a)(3)
8 disclosures shall be made, and the Joint Pretrial order shall be filed not more than thirty (30) days
9 after the date set for filing dispositive motions, and therefore, not later than **July 6, 2022**. In the event
10 dispositive motions are filed, the last day to file the Joint Pretrial order shall be suspended until thirty
11 (30) days after the ruling on the dispositive motions.

12 DATED this 30th day of November, 2021.

12 DATED this 30th day of November, 2021.

13 KEMP & KEMP, ATTORNEYS AT LAW

13 SIMONS HALL JOHNSTON PC

14 /s/ James P. Kemp

14 /s/ Sandra C. Ketner

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21 **ORDER**

22 IT IS SO ORDERED.

23 DATED this 1st day of December, 2021.

25 

26

26 UNITED STATES MAGISTRATE JUDGE

27 **Barring any unforeseen and unusual circumstances, the court will not favorably**
28 **receive any further requests for extensions of the discovery deadlines.**